

By: White

H.B. No. 1653

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal justice reforms, including measures related to reentry and reintegration of state jail felony defendants and pretrial intervention programs that provide an alternative to incarceration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.026 to read as follows:

Art. 2.026. REPORTING FINAL DISPOSITION OF OFFENSE INVOLVING PLACEMENT IN PRETRIAL INTERVENTION PROGRAM. As soon as practicable after final disposition of an offense for which the defendant was placed in a pretrial intervention program, the attorney representing the state in the defendant's case shall report the disposition of the offense to the Office of Court Administration of the Texas Judicial System.

SECTION 2. Subchapter B, Chapter 507, Government Code, is amended by adding Section 507.035 to read as follows:

Sec. 507.035. REENTRY AND REINTEGRATION GRANT PROGRAM. (a) The department shall establish a grant program to provide grants to community-based nonprofit organizations that provide reentry and reintegration services to defendants released from state jail felony facilities.

(b) The department shall contract with a nonprofit organization to administer the grant program. In administering the

1 grant program, the nonprofit organization shall:

2 (1) give priority in awarding grants to
3 community-based nonprofit organizations serving communities in
4 which the rate of state jail felony arrests significantly exceeds
5 the statewide average;

6 (2) provide technical and administrative assistance,
7 as appropriate, to grant recipients;

8 (3) establish performance and reporting standards for
9 grant recipients, subject to approval by the department; and

10 (4) regularly report to the department information
11 regarding the results of the grant program and any other
12 information required by the department.

13 (c) Reentry and reintegration services provided by a
14 recipient of a grant under this section:

15 (1) must include peer support services; and

16 (2) may include educational, vocational, housing, or
17 other services designed to reduce recidivism and support the
18 successful reentry and reintegration of defendants released from
19 state jail felony facilities.

20 (d) Not later than December 31 of each year, the department
21 shall submit to the governor, lieutenant governor, and speaker of
22 the house of representatives a report on the administration of the
23 grant program. The report must include information on the
24 recidivism rates of defendants released from state jail felony
25 facilities who received reentry and reintegration services from a
26 recipient of a grant under this section.

27 (e) The department shall adopt any rules necessary to

1 implement this section.

2 SECTION 3. Section 509.003(a), Government Code, is amended
3 to read as follows:

4 (a) The division shall propose and the board shall adopt
5 reasonable rules establishing:

6 (1) minimum standards for programs, community
7 corrections facilities and other facilities, equipment, and other
8 aspects of the operation of departments;

9 (2) a list and description of core services that
10 should be provided by each department;

11 (3) methods for measuring the success of community
12 supervision and corrections programs, including methods for
13 measuring rates of diversion, program completion, and recidivism;

14 (4) a format for strategic plans; ~~and~~

15 (5) minimum standards for the operation of substance
16 abuse facilities and programs funded through the division; and

17 (6) minimum standards for the operation of pretrial
18 intervention programs funded through the division.

19 SECTION 4. Section 509.011, Government Code, is amended by
20 amending Subsections (a), (e), and (f) and adding Subsections (a-1)
21 and (f-1) to read as follows:

22 (a) If the division determines that a department complies
23 with division standards and if the department has submitted a
24 strategic plan under Section 509.007 and the supporting information
25 required by the division and the division determines the plan and
26 supporting information are acceptable, the division shall prepare
27 and submit to the comptroller vouchers for payment to the

department as follows:

(1) for per capita funding, a per diem amount for each ~~[felony]~~ defendant directly supervised by the department pursuant to lawful authority for an offense punishable as:

(A) a felony; or

(B) a misdemeanor under Section 30.04, 31.03(e)(3), 43.02(c), 49.04, 49.05, 49.06, or 49.065, Penal Code;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority for a misdemeanor offense~~[7]~~ other than an offense described by Subdivision (1)(B) [a felony defendant]; and

(3) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) times the total amount provided in the General Appropriations Act for payments under this subdivision.

(a-1) The division may provide to a department, municipality, or county operating a pretrial intervention program that meets the standards adopted under Section 509.003(a)(6) per capita funding that is a per diem amount for each felony defendant participating in the program.

(e) In establishing per diem payments authorized by Subsections (a)(1), ~~[and]~~ (a)(2), and (a-1), the division shall consider the amounts appropriated in the General Appropriations Act for basic supervision as sufficient to provide basic supervision in each year of the fiscal biennium.

(f) The division annually shall compute for each department

for community corrections program formula funding a percentage determined by assigning equal weights to:

(1) the percentage of the state's population residing in the counties served by the department; and

(2) the ~~[department's]~~ percentage of all felony defendants in the state who are:

(A) on ~~[under-direct]~~ community supervision and directly supervised by the department; and

(B) participating in a pretrial intervention program that is funded wholly or partly by the division and that is located in a county served by the department, regardless of whether the program is operated by the department.

(f-1) The division shall use the most recent information available in making computations under Subsection (f) ~~[this subsection]~~. The board by rule may adopt a policy limiting for all departments the percentage of benefit or loss that may be realized as a result of the operation of the allocation formula established under Subsection (f).

SECTION 5. Chapter 509, Government Code, is amended by adding Section 509.0135 to read as follows:

Sec. 509.0135. ADDITIONAL REQUIREMENTS FOR CERTAIN GRANT PROGRAMS. (a) This section applies only to a grant awarded under a grant program, as that term is defined by Section 509.013, for the purpose of providing pretrial intervention programs as alternatives to incarceration.

(b) In awarding a grant described by Subsection (a), the division shall give priority to departments that serve counties

1 that:

2 (1) establish pretrial intervention programs for
3 state jail felony defendants;

4 (2) place eligible defendants into pretrial
5 intervention programs as soon as practicable after each defendant's
6 arrest; or

7 (3) reduce and minimize the average amount of time
8 that defendants spend confined pending trial or placement into a
9 pretrial intervention program.

10 (c) If applicable, the division shall consider a
11 department's performance with respect to the goals established
12 under Subsection (f) in determining whether to award a grant to the
13 department.

14 (d) Each grant recipient shall report to the division, in
15 the manner prescribed by the division, program-specific outcome
16 data for pretrial intervention programs administered by the
17 recipient or a county served by the recipient, as applicable,
18 including:

19 (1) the following information, disaggregated by race
20 and ethnicity:

21 (A) the average amount of time a defendant who is
22 eligible for placement into a pretrial intervention program spends
23 confined pending trial or placement into the program, as
24 applicable; and

25 (B) the percentage of eligible defendants who are
26 placed into a pretrial intervention program;

27 (2) the revocation rates of defendants placed on

1 community supervision; and

2 (3) the percentage of state jail felony defendants who
3 are confined in a state jail felony facility as a condition of
4 community supervision or whose sentence is executed wholly or
5 partly.

6 (e) Not later than December 31 of each year, the division
7 shall:

8 (1) submit to the governor, lieutenant governor, and
9 speaker of the house of representatives a report summarizing the
10 information received by the division under Subsection (d) for the
11 preceding fiscal year; and

12 (2) publish the report on the division's Internet
13 website.

14 (f) The division shall:

15 (1) establish performance goals for grant recipients
16 in the categories described by Subsection (d);

17 (2) require a grant recipient who does not achieve a
18 goal set by the division under Subdivision (1) to develop and submit
19 to the division a corrective action plan establishing the measures
20 the recipient will take to improve the recipient's performance with
21 respect to the goal; and

22 (3) reduce the rate of any per capita funding provided
23 under this chapter to a recipient that:

24 (A) is required to submit a corrective action
25 plan under Subdivision (2); and

26 (B) does not improve the recipient's performance
27 with respect to the applicable goal.

1 (g) The board shall provide notice and a hearing in a manner
2 consistent with the procedures adopted by the board under Section
3 509.012(b) in a case in which the division proposes to reduce the
4 rate of per capita funding under Subsection (f)(3).

5 (h) The board shall adopt any rules necessary to implement
6 this section.

7 SECTION 6. (a) As soon as practicable after the effective
8 date of this Act:

9 (1) the Texas Department of Criminal Justice shall
10 establish the grant program required by Section 507.035, Government
11 Code, as added by this Act, and the Texas Board of Criminal Justice
12 shall adopt any rules necessary to implement that program; and

13 (2) the Texas Board of Criminal Justice shall adopt:

14 (A) rules establishing minimum standards for the
15 operation of a pretrial intervention program funded by the
16 community justice assistance division of the Texas Department of
17 Criminal Justice, as required by Section 509.003(a), Government
18 Code, as amended by this Act; and

19 (B) any rules necessary to implement Section
20 509.0135, Government Code, as added by this Act.

21 (b) Section 509.011(a), Government Code, as amended by this
22 Act, applies only to a payment to a community supervision and
23 corrections department based on a voucher submitted to the
24 comptroller on or after the effective date of this Act.

25 SECTION 7. This Act takes effect September 1, 2019.